

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 12. BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

(Authority: A.R.S. § 32-1302 et seq.)

Articles 1 through 4 consisting of Sections R4-12-101 through R4-12-405 adopted effective June 16, 1981. Section numbering not in sequence, refer to Historical Notes.

Article 1 through 9 consisting of Sections R4-12-01 through R4-12-03, R4-12-12 through R4-12-16, R4-12-31, R4-12-32, R4-12-42 through R4-12-44, R4-12-54, R4-12-64, R4-12-65, R4-12-75, R4-12-85, R4-12-95 repealed effective June 16, 1981.

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ARTICLE 1. GENERAL PROVISIONS

R4-12-101. Definitions

In this Chapter:

1. "Applicant" means:
 - a. An individual requesting to take a state equivalent examination;
 - b. An individual requesting a reinstatement or an initial or renewal license or registration issued by the Board; or
 - c. One of the following if requesting an interim permit or an initial or renewal funeral establishment license, crematory license, or prearranged funeral sales establishment endorsement:
 - i. The individual, if a sole proprietorship;
 - ii. Any two of the corporation's officers, if a corporation;
 - iii. The managing partner, if a partnership or limited liability partnership; or
 - iv. The designated manger, or if no manger is designated, any two members of the limited liability company, if a limited liability company.
2. "Application packet" means the documents, forms, and additional information required by the Board for an initial or renewal application for a license, registration, endorsement, or reinstatement.
3. "Board" means the same as in A.R.S. § 32-1301.
4. "Burial" means a disposition of human remains, other than direct cremation.
5. "Cash advance item" means any service or merchandise such as pallbearers, transportation, clergy, flowers, motorcycle escorts, hair dressers, barbers, nurses, obituary notices, or death certificates, which is paid for by a funeral establishment on behalf of a purchaser and

charged to the purchaser at the same amount as originally purchased.

6. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to funeral practices.
7. "Credit hour" means 60 minutes of participation in continuing education.
8. "Day" means calendar day.
9. "Designated funeral director" has the same meaning as responsible funeral director in A.R.S. § 32-1301.
10. "Direct cremation" means cremation of human remains without a formal viewing, ceremony, or visitation of the human remains except for identification purposes.
11. "Endorsement" means a written authorization issued by the Board to a funeral establishment to offer or sell prearranged funeral agreements under 4 A.A.C. 12, Article 5.
12. "Fraud," "misleading," or "false" means the actions described in A.R.S. § 44-1522.
13. "Immediate burial" means a disposition of human remains, other than direct cremation, without a formal viewing, ceremony, or visitation except for identification purposes.
14. "Manager" means an individual who manages according to A.R.S. § 32-1301.
15. "Party" has the meaning in A.R.S. § 41-1001.
16. "Previous owner" means a person who owned 10 percent or more of a funeral establishment before the current owner.
17. "Registrant" means an individual authorized by the Board to act as an embalmer's assistant or a prearranged funeral salesperson.
18. "Unfinished wood box" means an unornamented receptacle or casket for human remains.
19. "Week" means seven consecutive days.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Amended effective January 2, 1985 (Supp. 85-1). Amended by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1). Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-102. Reserved

R4-12-103. Expired

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-104. Expired

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Amended effective January 2, 1985 (Supp. 85-1). Amended effective September 18, 1987 (Supp. 87-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-105. Expired

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Former Section R4-12-105 repealed, new Section R4-12-105 adopted effective January 2, 1985 (Supp. 85-1). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-106. Time-frames for Board Approval

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1.
 1. The administrative completeness review time-frame begins:
 - a. For approval to take a state equivalent examination, when the Board receives an application packet required in R4-12-201;
 - b. For approval or denial of a license, when the Board receives an application packet; or
 - c. For approval or denial of an endorsement, a registration, or a permit, when the Board receives an application packet.
 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 3. If the application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 4. If the Board grants a license, registration, endorsement, or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins on the postmark date of the notice of administrative completeness.
 1. As part of the substantive review for a funeral establishment license, the Board shall conduct an inspection of the funeral establishment that may require more than one visit.
 2. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 3. The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. Title 32, Chapter 13 and this Chapter.
 4. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. Title 32, Chapter 13 and this Chapter.
- D. The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
 1. Supply the missing information under subsection (B)(2) or (C)(2); or
 2. Pass a national board, state equivalent, or state laws and rules examination, as applicable.
- E. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.

F. If a time-frame's last day falls on a Saturday, Sunday, or official state holiday, the Board shall consider the next business day as the time-frame's last day.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to take a state equivalent examination R4-12-201	A.R.S. §§ 32-1309, 32-1327, 32-1329	50	20	30
Approval to take an Embalmer Assistant Practical Examination R4-12-201	A.R.S. §§ 32-1309, 32-1325.01	50	20	30
Intern, embalmer, or funeral director license R4-12-202	A.R.S. §§ 32-1309, 32-1322, 32-1323	110	20	90
Embalmer or funeral director license by an applicant who holds an out-of-state-license R4-12-202(E)	A.R.S. §§ 32-1309, 32-1335	110	20	90
Multiple funeral director license R4-12-202(F)	A.R.S. §§ 32-1309, 32-1335	110	20	90
Embalmer's assistant registration R4-12-203	A.R.S. §§ 32-1309, 32-1325.01	110	20	90
Funeral establishment license R4-12-204	A.R.S. §§ 32-1309, 32-1383	110	20	90
Prearranged funeral sales establishment endorsement R4-12-205	A.R.S. §§ 32-1309, 32-1391.12	60	20	40
Prearranged funeral salesperson registration R4-12-207	A.R.S. §§ 32-1309, 32-1391.14	110	20	90
Crematory license R4-12-207	A.R.S. §§ 32-1309, 32-1395	110	20	90
Cremationist license R4-12-210	A.R.S. § 32-1394.01	110	20	90
License, registration, or endorsement renewal R4-12-211	A.R.S. §§ 32-1331, 32-1338, 32-1386, 32-1391.12, 32-1391.14, 32-1394.02, 32-1396	60	30	30

Historical Note

New Table adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1). Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-107. Reserved

R4-12-108. Fees

- A. The Board shall charge the following nonrefundable fees for filing an annual trust report under A.R.S. § 32-1391.16:
 - 1. For each funeral establishment that has a prearranged funeral trust account and files an annual trust report in the time and manner required in A.R.S. § 32-1391.16, \$150.00.
 - 2. For each funeral establishment that has a prearranged funeral trust account and files an annual trust report late or incomplete, \$200.00.
- B. The Board shall charge the following fees for the duplication or copying of public records under A.R.S. § 39-121.03:

- 1. Noncommercial and commercial copy, 25¢ per page;
- 2. Copying requiring more than 15 minutes, \$5.00 for each 15-minutes in excess of 15 minutes;
- 3. Directories for noncommercial use, 5¢ per name and address;
- 4. Directories for noncommercial use printed on labels, 10¢ per name and address;
- 5. Directories for commercial use, 25¢ per name and address;
- 6. Directories for commercial use printed on labels, 30¢ per name and address;
- 7. A directory in subsection (B)(3), (4), (5), or (6) issued on a diskette, \$5.00 and the applicable name and address fee;

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- C. For the consumer information pamphlet, entitled Arizona Funerals Information, the Board shall charge a funeral establishment the Board's actual cost of publishing, distributing, and mailing the pamphlet.
- D. The Board may waive any of the fees in subsection (B) for charitable organizations or governmental entities.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Amended effective January 2, 1985 (Supp. 85-1). Amended effective Dec. 27, 1985 (Supp. 85-6). Amended effective May 25, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-109. Enforcement Advisory Committee

- A. The Board may appoint an enforcement advisory committee that consists of seven members as follows:
1. Four members representing the funeral industry, and
 2. Three lay members that have no affiliation with a funeral establishment or cemetery.
- B. The enforcement advisory committee may:
1. Review and evaluate investigative matters referred to it by the Board, and
 2. Make recommendations to the Board about the disposition of investigative matters.
- C. The Board may accept, reject, or modify the enforcement advisory committee's recommendations.

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1). Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-110. Reserved**R4-12-111. Reserved****R4-12-112. Reserved****R4-12-113. Reserved****R4-12-114. Reserved****R4-12-115. Reserved****R4-12-116. Reserved****R4-12-117. Reserved****R4-12-118. Reserved****R4-12-119. Reserved****R4-12-120. Reserved****R4-12-121. Investigation Procedures**

- A. After receiving a complaint, the Board shall send a written notice of the complaint to the licensee or registrant within 15 days of its receipt and may include a request for information or documents related to the complaint. The licensee or registrant shall provide a written response and the requested information or documents no later than 15 days from the date the Board mails the notice of the complaint.
- B. In addition to the information or documents requested by the Board under subsection (A), the Board may request that a complainant, licensee, or registrant reply to or provide the Board with additional information relating to the complaint. The complainant, licensee, or registrant shall provide the Board with additional information within 15 days from the date the Board mails the request.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Former Section R4-12-121 repealed, new Section R4-12-121 adopted effective January 2, 1985 (Supp. 85-1). Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-122. Expired**Historical Note**

Adopted effective June 16, 1981 (Supp. 81-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-123. Informal Interview

- A. The Board shall conduct an informal interview under A.R.S. § 32-1367 as follows:
1. The Board shall send a written notice of the informal interview to each party by personal service or certified mail, return receipt requested, at least 20 days before the informal interview. The notice shall contain:
 - a. The time, place, and date of the informal interview;
 - b. An explanation of the procedures to be followed at the informal interview;
 - c. A statement of the subject matter or issues involved;
 - d. A statement of the licensee's or registrant's right to appear with or without counsel;
 - e. A notice that if a licensee, registrant, or complainant fails to appear at the informal interview, the informal interview may be held in the licensee's, registrant's, or complainant's absence; and
 - f. A statement of the licensee's or registrant's right to a formal hearing according to A.R.S. § 32-1367 instead of attending the informal interview.
 2. During the informal interview, the Board may:
 - a. Swear in the licensee or registrant and all witnesses;
 - b. Question the licensee or registrant and all witnesses; and
 - c. Deliberate.
 3. After completing the informal interview the Board may dismiss the complaint or take any of the actions listed in A.R.S. § 32-1367(D):
- B. The Board shall issue written findings of fact, conclusions of law, and Board order no later than 60 days from the date the informal interview is completed.
- C. A licensee or registrant may seek a Board rehearing or review of a Board decision or the Board may grant rehearing or review on its own motion as stated in A.R.S. § 32-1367(I).

Historical Note

New Section made by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-124. Expired**Historical Note**

Adopted effective June 16, 1981 (Supp. 81-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-125. Hearing Procedures

- A. If a formal hearing under A.R.S. § 32-1367 is to be held before an administrative law judge, the requirements in A.R.S. §§ 41-1092 through 41-1092.11 apply.
- B. If a formal hearing under A.R.S. § 32-1367 is to be held before the Board, the requirements in A.R.S. §§ 41-1092 through 41-1092.11 and the following apply:
1. The Board shall provide a written complaint and notice of formal hearing to a licensee or registrant at the licensee's

- or registrant's last known address of record, by personal service or certified mail, return receipt requested at least 30 days before the date set for the formal hearing.
2. A licensee or registrant served with a complaint and notice of hearing shall file an answer by the date specified in the notice of hearing admitting or denying the allegations in the complaint.
 3. The Board may amend a complaint and notice of hearing at any time. The Board shall send written notice of any changes in the complaint and notice of hearing to the licensee or registrant at least 20 days before the formal hearing.
 4. A licensee or registrant may appear at a formal hearing with or without the assistance of counsel. If the licensee or registrant fails to appear, the Board may hold the formal hearing in the licensee's or registrant's absence.
 5. The Board may conduct a formal hearing without adherence to the rules of procedure or rules of evidence used in civil proceedings. At the formal hearing the Board shall rule on the procedure to be followed and admissibility of evidence.
 6. The Board shall send a written decision that includes written findings of fact, conclusions of law, and order of the Board to the licensee or registrant and all parties within 60 days after the formal hearing is concluded. A licensee, registrant, or the Board may seek rehearing or review of the order according to A.R.S. § 32-1367(I).

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1).
Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-126. Rehearing or Review of Board's Decision

- A. Except as provided in subsection (G), a party who is aggrieved by a decision issued by the Board may file with the Board, no later than 30 days after service of the decision, a written motion for rehearing or review of the decision, specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known home or business address or five days after the decision is mailed by certified mail to the party or the party's attorney.
- B. A party filing a motion for rehearing or review may amend the motion at any time before it is ruled upon by the Board. Another party may file a response within 15 days after the date the motion or amended motion for rehearing is filed. The Board may require a party to file supplemental memoranda explaining the issues raised in the motion or response and may permit oral argument.
- C. The Board may grant a rehearing or review of the decision for any of the following reasons materially affecting the moving party's rights:
 1. Irregularity in the Board's or administrative law judge's administrative proceedings or any order or abuse of discretion that deprived the party of a fair hearing;
 2. Misconduct of the Board, administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
 5. Excessive or insufficient penalties or disciplinary action;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or

7. That the decision is not supported by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing or review on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify each ground for the rehearing or review.
- E. No later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any reason in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- F. If a motion for rehearing or review is based upon affidavits, a party shall serve the affidavits with the motion. An opposing party may, within 10 days after service, serve opposing affidavits. The Board may extend the time for serving opposing affidavits for no more than 20 days for good cause or by written stipulation of the parties. The Board may permit reply affidavits.
- G. If the Board makes specific findings that the immediate effectiveness of a decision is necessary to preserve the public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, an aggrieved party who wishes to seek judicial review shall make an application for judicial review of the decision within the time limits permitted for judicial review of the Board's final decision at A.R.S. § 12-904.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

ARTICLE 2. LICENSING PROVISIONS

R4-12-201. Application for a State Equivalent Examination or Embalmer Assistant Practical Examination

An applicant for a state equivalent examination or embalmer assistant practical examination shall submit an application packet to the Board that contains the following:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, mailing address, telephone number, and social security number;
 - b. Any prior name or alias of the applicant;
 - c. The applicant's date and place of birth; and
 - d. The applicant's height, weight, hair color, and eye color;
2. A photocopy of the applicant's high school diploma or general educational diploma issued in any state;
3. If applying to take a state equivalent examination, a photocopy of the diploma issued to the applicant upon graduation from an accredited or provisionally accredited school of mortuary science;
4. Two passport photographs of the applicant, no larger than 1 1/2 x 2 inches, taken not more than 60 days before the date of the application; and
5. The fee required by the Board.

Historical Note

Former Rule, Section 1, Article III; Former Section R4-12-26 renumbered as Section R4-12-201 effective June 16, 1981 (Supp. 81-3). Former Section R4-12-201 repealed and a new Section R4-12-201 adopted effective September 18, 1987 (Supp. 87-3). Section repealed; new

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Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-202. Application for an Intern, an Embalmer, or a Funeral Director License

- A.** An applicant for an intern, an embalmer, or a funeral director license shall submit an application packet to the Board that contains the information required in A.R.S. § 32-1323, and the following:
1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, mailing address, telephone number, and social security number;
 - b. The applicant's date and place of birth;
 - c. Any prior name or alias of the applicant;
 - d. The name and address of the high school from which the applicant graduated and the graduation date or date applicant received a general equivalency diploma;
 - e. The name and address of the mortuary school from which the applicant graduated and graduation date;
 - f. The name, address, and telephone number of the funeral establishment employing the applicant;
 - g. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsection (A)(1)(h)(i) through (A)(1)(h)(vi);
 - h. Whether the applicant, within five years from the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure including the:
 - i. Charged felony or misdemeanor;
 - ii. Date of conviction;
 - iii. Court having jurisdiction over the felony or misdemeanor;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
 - i. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 - j. Whether the applicant is currently incarcerated or on community supervision after a period of imprisonment in a local, state, or federal penal institution or on criminal probation;
 - k. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:
 - i. Reason for the denial or rejection,
 - ii. Date of the denial or rejection, and
 - iii. Name and address of the agency that denied or rejected the application;
 - l. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:
 - i. Reason for the suspension or revocation,
 - ii. Date of the suspension or revocation, and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - m. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Board or any state funeral licensing authority;
 - n. The dates the applicant served as an apprentice embalmer or intern, location of apprenticeship or internship, and the number of human bodies embalmed, if applicable;
 - o. A statement of whether the applicant has passed a national board examination or state equivalent examination, if applicable; and
 - p. A notarized statement by the applicant verifying the information on the application is true and correct;
2. A copy of the applicant's high school or general equivalency diploma;
 3. A copy of the transcript from each mortuary college attended by the applicant and, if applicable, each diploma issued to the applicant; and
 4. The fee required by the Board.
- B.** In addition to the requirements in subsection (A), an applicant for an intern license shall submit on the application form the name and license number of the embalmer who will supervise the applicant.
- C.** In addition to the requirements in subsection (A), an applicant for an embalmer license shall submit to the Board:
1. On the application form:
 - a. Whether the applicant has embalmed 25 or more human bodies;
 - b. Apprenticeship or internship information including:
 - i. Beginning and ending dates,
 - ii. The state in which the apprenticeship or internship was served,
 - iii. The applicant's state registration number and date of issuance, and
 - iv. The number of human bodies embalmed by the applicant during the apprenticeship or internship;
 - c. The following information:
 - i. The name of each state in which the applicant has been licensed or registered as an embalmer or funeral director,
 - ii. The date of issuance of each funeral director or embalmer license or registration, and
 - iii. The license or registration number in each state in which the applicant is or has been licensed or registered as an embalmer or funeral director;
 - d. The name of each mortuary at which the applicant practiced as an embalmer or funeral director for five years immediately before the application date, beginning and ending dates of the practice, and a description of the practice, if applicable;
 - e. A notarized statement from a funeral director licensed or registered in any state that contains the funeral director's:
 - i. State in which licensed;
 - ii. License number and issuance date;
 - iii. Statement of length of time that the funeral director has known the applicant;
 - iv. Statement attesting to the applicant's good character, reputation, and professional ability; and
 - v. Recommendation for the Board's approval of the applicant; and
 2. A report of apprenticeship or internship containing:

- a. The applicant's name,
 - b. The name of the funeral establishment in which the apprenticeship or internship was served,
 - c. The name of the embalmer supervising the applicant,
 - d. The beginning and ending dates covered in the report,
 - e. The number of hours worked each month during the apprenticeship or internship,
 - f. The number of human bodies embalmed each month during the apprenticeship or internship, and
 - g. For each human body embalmed:
 - i. The name of the deceased,
 - ii. The date of death,
 - iii. A statement of whether an autopsy was performed, and
 - iv. The supervising embalmer's signature and license number,
- D.** In addition to the requirements in subsection (A), an applicant for a funeral director license shall submit to the Board a report containing:
1. The applicant's name;
 2. The name of the funeral establishment in which one year of funeral directing experience was obtained;
 3. The name of the responsible funeral director;
 4. The beginning and ending dates covered in the report; and
 5. For each burial, immediate burial, or direct cremation conducted by the applicant:
 - a. The name of the deceased;
 - b. The date of the burial, immediate burial, or direct cremation;
 - c. A statement of whether the applicant conducted a burial, immediate burial, or direct cremation; and
 - d. The supervising funeral director's signature and license number.
- E.** In addition to the requirements in subsection (A), an applicant for an embalmer or funeral director license who holds an out-of-state embalmer or funeral director license shall:
1. Submit on the application form, the name of each state in which the applicant is licensed or registered as an embalmer or funeral director; and
 2. Arrange for the out-of-state licensing authority to complete the following on the application form to be submitted with the application packet:
 - a. Certification of current licensure of the applicant;
 - b. Type of license, license number, and date license was issued;
 - c. A statement of whether the applicant qualified by examination or by being licensed by another state;
 - d. A statement of whether the licensing authority has ever suspended, revoked, or taken any other action against the applicant's license; and
 - e. Notarized signature and title of agency official;
- F.** An applicant for a multiple funeral director license shall submit an application form that is signed and dated by the applicant, and notarized that includes the information in subsections (A)(1)(a) through (A)(1)(c) and:
1. The name and address of the funeral establishment for which the applicant:
 - a. Currently acts as the responsible funeral director, and
 - b. Is applying to act as the responsible funeral director;
 2. The distance, stated in miles, between the current funeral establishment and the funeral establishment for which application is being made;
3. For the funeral establishment for which application is being made and for 12 months immediately preceding the application, the number of:
 - a. Funerals and cremations conducted at the funeral establishment, and
 - b. Transportations of human remains arranged through the funeral establishment;
 4. The fee required by the Board; and
 5. Other information required by the Board.

Historical Note

Adopted effective September 18, 1987 (Supp. 87-3).
 Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-203. Application for an Embalmer's Assistant Registration

An applicant for an embalmer's assistant registration shall submit to the Board an application packet that contains the following:

1. An application form that contains:
 - a. The applicant's name, mailing address, telephone number, and social security number;
 - b. The applicant's date and place of birth;
 - c. Any prior name or alias of the applicant;
 - d. The name and address of the high school from which the applicant graduated and the graduation date or date applicant received a general equivalency diploma;
 - e. The name and address of each mortuary college attended by the applicant;
 - f. The name and address of the mortuary college from which the applicant graduated and graduation date;
 - g. The name, address, and telephone number of the funeral establishment employing the applicant;
 - h. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:
 - i. Reason for the denial or rejection,
 - ii. Date of the denial or rejection, and
 - iii. Name and address of the agency that denied or rejected the application;
 - i. Whether the applicant, within five years from the date of the application, has had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:
 - i. Reason for the suspension or revocation,
 - ii. Date of the suspension or revocation, and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - j. Whether the applicant, within five years from the date of the application, has surrendered a license, registration, certificate, or endorsement to the Board or any state funeral licensing authority;
 - k. The name of the applicant's current supervising embalmer;
1. If applicable, the beginning and ending dates the applicant served as an apprentice embalmer, the applicant's registration number and date of issuance, and the number of human bodies embalmed and date of each embalming; and
- m. A notarized statement by the applicant verifying the information on the application is true and correct;

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2. A copy of the applicant's high school or general equivalency diploma;
3. A copy of the transcript and diploma from the mortuary college from which the applicant graduated;
4. A report of apprenticeship containing:
 - a. The applicant's name,
 - b. The name of the funeral establishment in which the apprenticeship was completed,
 - c. The name of the supervising embalmer,
 - d. The beginning and ending dates covered in the report,
 - e. The number of hours worked each month during the two most recent consecutive years of apprenticeship,
 - f. The number of human bodies embalmed by the applicant or in which the applicant assisted in the embalming for each month of the apprenticeship,
 - g. For each human body embalmed by the applicant or in which the applicant assisted in embalming for the two most recent consecutive years of the apprenticeship:
 - i. The name of the deceased,
 - ii. The date of death,
 - iii. A statement of whether an autopsy was performed,
 - iv. The supervising embalmer's signature and license number, and
 - v. The applicant's signature.
5. A completed and legible fingerprint card; and
6. The fee required by the Board.

Historical Note

Former Rule, Section 3, Article III; Former Section R4-12-27 amended and renumbered as Section R4-12-203 effective June 16, 1981 (Supp. 81-3). Former Section R4-12-203 repealed and a new Section R4-12-203 adopted effective September 18, 1987 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-204. Application for a Funeral Establishment License or Interim Funeral Establishment Permit

- A.** An applicant for a funeral establishment license shall submit an application packet to the Board that contains the fee required by the Board, information required in A.R.S. § 32-1383, and an application form that contains:
1. The funeral establishment's current and previous name, if any;
 2. The address of the physical location and telephone number of the funeral establishment;
 3. The responsible funeral director's name and license number;
 4. The name of the funeral establishment's current and previous owner;
 5. Whether the funeral establishment is a proprietorship, a corporation, a partnership, a limited liability company, or a subsidiary of a corporation, a partnership, or a limited liability company;
 6. If the previous owner was a corporation, the name of the corporation;
 7. The name and address of each person owning 10 percent or more of the establishment or corporation common stock;
 8. If a corporation, partnership, or limited liability company:
 - a. The state and date of incorporation or formation;
 - b. The name and address of the Arizona statutory agent or agent appointed to receive process; and
 9. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsections (A)(10)(a) through (A)(10)(f);
 10. Whether the applicant, within five years from the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure including the:
 - a. Charged felony or misdemeanor;
 - b. Date of conviction;
 - c. Court having jurisdiction over the felony or misdemeanor;
 - d. Probation officer's name, address, and telephone number, if applicable;
 - e. A copy of the notice of expungement, if applicable; and
 - f. A copy of the notice of restoration of civil rights, if applicable;
 11. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 12. Whether the applicant is currently incarcerated or on community supervision after a period of imprisonment in a local, state, or federal penal institution or on criminal probation;
 13. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:
 - a. Reason for the denial or rejection,
 - b. Date of the denial or rejection, and
 - c. Name and address of the agency that denied or rejected the application;
 14. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:
 - a. Reason for the suspension or revocation,
 - b. Date of the suspension or revocation, and
 - c. Name and address of the state licensing authority that suspended or revoked the license;
 15. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Board or any state funeral licensing authority;
 16. A statement, signed by the responsible funeral director and notarized, affirming licensure in Arizona and confirming responsibility for the funeral establishment's compliance with Arizona state laws and rules; and
 17. The applicant's signature.
- B.** An applicant for an interim funeral establishment permit shall submit an application packet to the Board that contains the information required in A.R.S. § 32-1388 and an application form that contains:
1. The funeral establishment's current and previous name, if any;
 2. The address of the physical location and telephone number of the funeral establishment;
 3. The name of the funeral establishment's current and previous owner;
 4. The responsible funeral director's name and license number;

5. Whether the funeral establishment is a proprietorship, a corporation, a partnership, a limited liability company, or a subsidiary of a corporation, a partnership, or a limited liability company;
6. If the previous owner was a corporation, the name of the corporation;
7. The name and address of each person owning 10 percent or more of the establishment or corporation common stock;
8. If a corporation, partnership, or limited liability company:
 - a. The state and date of incorporation or formation;
 - b. The name and address of the Arizona statutory agent or agent appointed to receive process; and
 - c. The name, address, and title of each officer, director, general partner, or member;
9. The name of the previous licensed owner;
10. A statement, signed by the responsible funeral director and notarized, affirming licensure in Arizona and confirming responsibility for the funeral establishment's compliance with Arizona state laws and rules; and
11. The applicant's signature.

Historical Note

Former Rule, Section 5, Article III; Former Section R4-12-28 amended and renumbered as Section R4-12-204 effective June 16, 1981 (Supp. 81-3). Former Section R4-12-204 repealed, new Section R4-12-204 adopted effective September 18, 1987 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-205. Application for a Prearranged Funeral Sales Endorsement

An owner and the owner's responsible funeral director applying for a prearranged funeral sales endorsement for a funeral establishment shall submit an application packet to the Board that contains the fee required by the Board, information required in A.R.S. § 32-1391.12, and an application form that contains:

1. The funeral establishment's name, mailing address, and telephone number;
2. The funeral establishment's designated funeral director's, manager's, corporate officers', owner's, trustee's, or any controlling person's:
 - a. Current name and any prior name or alias;
 - b. Current address, telephone number, and social security number;
 - c. Date and place of birth; and
 - d. Former addresses, including dates of residence, for seven years immediately preceding the date of the application;
3. The total amount of trust funds, including accrued interest, for 12 months immediately preceding the application date;
4. The total number of currently existing prearranged funeral agreements entered into before January 1, 1985;
5. The total number of prearranged funeral agreements sold by the funeral establishment for the calendar year immediately preceding the date of the application;
6. Whether the designated funeral director, a manager, a corporate officer, a trustee, or an owner, within seven years preceding the date of application, in any state or federal jurisdiction, has:
 - a. Been convicted of or entered into a plea of no contest to a felony or to a misdemeanor involving dishonesty, fraud, deception, misrepresentation, embezzlement, or breach of fiduciary duty; or

- b. Been issued a judgment or consent order for consumer fraud, securities violation, or civil racketeering;
7. The name, address, alias, and telephone number of each individual named in subsection (6) and the following:
 - a. The charged felony or misdemeanor;
 - b. Date of conviction or judgment;
 - c. Court having jurisdiction over the felony or misdemeanor;
 - d. Probation officer's name, address, and telephone number, if applicable; and
 - e. A copy of the notice of expungement, if applicable; and
 - f. A copy of the notice of restoration of civil rights, if applicable; and
8. A notarized statement signed by the owner and designated funeral director verifying the information on the application is true and correct;

Historical Note

Former Section R4-12-29 amended and renumbered as Section R4-12-205 effective June 16, 1981 (Supp. 81-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-206. Application for a Prearranged Funeral Salesperson Registration

An applicant for a prearranged funeral salesperson registration shall submit an application packet to the Board that contains the fee required by the Board, information required in A.R.S. § 32-1391.14, and an application form that contains:

1. The applicant's telephone number and social security number;
2. A statement of whether the applicant is a funeral director or embalmer licensed in Arizona;
3. Whether the applicant has ever been convicted of or entered into a plea of no contest to a felony or to a misdemeanor involving dishonesty, fraud, deception, misrepresentation, embezzlement, or breach of fiduciary duty in any state or federal court within seven years preceding the date of application including the:
 - a. Charged felony or misdemeanor;
 - b. Date of conviction;
 - c. Court having jurisdiction over the felony or misdemeanor;
 - d. Probation officer's name, address, and telephone number, if applicable;
 - e. A copy of the notice of expungement, if applicable; and
 - f. A copy of the notice of restoration of civil rights, if applicable.
4. Whether the applicant, within seven years preceding the date of the application, has had an application for a license, registration, endorsement, or certificate denied or rejected by any state funeral licensing authority including the:
 - a. Reason for the denial or rejection,
 - b. Date of the denial or rejection, and
 - c. Name and address of the agency that denied or rejected the application;
5. Whether the applicant, within seven years preceding the date of the application, has had a license, certificate, endorsement, or registration suspended or revoked by any state funeral licensing authority including the:
 - a. Reason for the suspension or revocation,
 - b. Date of the suspension or revocation, and

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- c. Name and address of the agency that suspended or revoked the license;
- 6. A notarized statement signed by the applicant verifying the information on the application is true and correct; and
- 7. A notarized statement signed by the responsible funeral director verifying the applicant will be employed by the responsible funeral director upon issuance of the registration by the Board.

Historical Note

Former Rule, Section 9, Article 111; Former Section R4-12-30 renumbered as Section R4-12-206 effective June 16, 1981 (Supp. 81-3). Former Section R4-12-206 repealed and a new Section R4-12-206 adopted effective September 18, 1987 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-207. Application for a Crematory License

An applicant for a crematory license shall submit an application packet to the Board that contains the fee required by the Board, information required in A.R.S. § 32-1395, and the following:

- 1. An application form that contains:
 - a. The name of the crematory;
 - b. The address of the physical location and telephone number of the crematory;
 - c. Whether the crematory is a proprietorship, a corporation, a partnership, a limited liability company, or a subsidiary of a corporation, a partnership, or a limited liability company;
 - d. The name and license number of the responsible funeral director or cremationist;
 - e. The name and address of each person owning 10 percent or more of the establishment or corporation common stock;
 - f. A statement, signed by the responsible funeral director or cremationist and notarized, affirming licensure in Arizona and confirming responsibility for the crematory's compliance with Arizona state laws and rules;
 - g. If a corporation, partnership, or limited liability company:
 - i. The state and date of incorporation or formation;
 - ii. The name and address of the Arizona statutory agent or agent appointed to receive process; and
 - iii. The name, address, and title of each officer, director, general partner, or member;
 - h. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsection (1)(i)(i) through (1)(i)(vi);
 - i. Whether the applicant, within five years from the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure including the:
 - i. Charged felony or misdemeanor;
 - ii. Date of conviction;
 - iii. Court having jurisdiction over the felony or misdemeanor;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement; if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
 - j. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 - k. Whether the applicant is currently incarcerated or on community supervision after a period of imprisonment in a local, state, or federal penal institution or on criminal probation;
 - l. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:
 - i. Reason for the denial or rejection,
 - ii. Date of the denial or rejection, and
 - iii. Name and address of the agency that denied or rejected the application;
 - m. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:
 - i. Reason for the suspension or revocation,
 - ii. Date of the suspension or revocation, and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - n. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Board or any state funeral licensing authority; and
 - o. The applicant's signature;
- 2. A copy of a funeral establishment license or crematory authority certificate issued by the Arizona Department of Real Estate to a cemetery that operates a crematory.

Historical Note

Adopted effective January 2, 1985 (Supp. &5-1). Amended by adding subsections (F) and (G) effective September 18, 1987 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-208. Annual Intern, Apprentice Embalmer, or Embalmer's Assistant Report

- A. To meet the requirements in A.R.S. §§ 32-1322(A), 32-1324, or 32-1325.01(B)(2), an intern, apprentice embalmer, or embalmer's assistant shall work a minimum of 40 hours each week and a minimum of 160 hours each month during an internship or apprenticeship.
- B. As required in A.R.S. § 32-1330, an intern, an apprentice embalmer, or an embalmer's assistant shall submit the following on a form provided by the Board:
 - 1. The name of the intern, apprentice embalmer, or embalmer's assistant;
 - 2. The name of the funeral establishment employing the intern, apprentice embalmer, or embalmer's assistant;
 - 3. The supervising embalmer's name and license number;
 - 4. The beginning and ending dates being covered by the report;
 - 5. The number of hours worked each week at the employing funeral establishment;
 - 6. For each human body embalmed:
 - a. The name of the deceased;

- b. The date of death;
 - c. A statement of whether an autopsy was performed; and
 - d. The supervising embalmer's signature and license number;
7. A statement signed by the intern, apprentice embalmer, or embalmer's assistant verifying the information on the report is true and correct;
 8. A statement signed by the responsible funeral director verifying the intern; apprentice embalmer, or embalmer's assistant has been employed by the responsible funeral director; and
 9. A statement signed by the supervising embalmer verifying supervision of the intern, apprentice embalmer, or embalmer's assistant.

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-209. State Equivalent Examination

- A. The funeral service science section of the state equivalent examination shall consist of no fewer than 70 written questions covering the following subjects:
 1. Embalming practices and procedures;
 2. Methods of determining whether proper embalming practices and procedures are being or have been followed for the preservation of the human body and prevention of the spread of disease;
 3. Laws and regulations and approved practices governing the preparation, burial, and disposal of human bodies; and
 4. Methods of shipping human bodies when the cause of death is an infectious or contagious disease.
- B. The funeral services arts section of the state equivalent examination shall consist of no fewer than 70 written questions covering the following subjects:
 1. Funeral directing,
 2. Funeral service law,
 3. Funeral merchandising,
 4. Business law,
 5. Accounting,
 6. Sociology,
 7. Accounting, and
 8. Psychology.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-210. Application for a Cremationist License

An applicant for a cremationist license shall submit an application packet to the Board that contains all of the following:

1. An application form provided by the Board, signed and dated by the applicant that contains:
 - a. The applicant's name, mailing address, telephone number, and social security number;
 - b. The applicant's date and place of birth;
 - c. Any prior name or alias of the applicant;
 - d. The name, address, and telephone number of the crematory or funeral establishment employing the applicant, if applicable;
 - e. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsections (1)(f)(i) through (1)(f)(vi) for each felony;
 - f. Whether the applicant, within the five years before the date of the application, has been convicted of or

entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure and the:

- i. Charged felony or misdemeanor;
 - ii. Date of conviction;
 - iii. Court that has jurisdiction over the felony or misdemeanor;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
- g. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 - h. Whether the applicant is currently incarcerated, on community supervision after a period of incarceration in a local, state, or federal penal institution, or on criminal probation;
 - i. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority and the:
 - i. Reason for the denial or rejection,
 - ii. Date of the denial or rejection, and
 - iii. Name and address of the agency that denied or rejected the application;
 - j. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority and the:
 - i. Reason for the suspension or revocation,
 - ii. Date of the suspension or revocation, and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - k. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Board or any other state funeral licensing authority; and
1. A notarized statement by the applicant verifying that the information on the application is true and correct.
 2. A copy of a certificate of completion of a crematory certification program issued by:
 - a. The manufacturer of a retort, or
 - b. An accredited organization that provides instruction for crematory operation;
 3. A completed and legible fingerprint card; and
 4. The fee required by the Board under A.R.S. § 32-1309.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-211. Renewal

- A. An applicant for a renewal of a license, registration, or endorsement shall file a renewal application so the Board receives it on or before the following dates:
 1. July 1 for an intern, embalmer, funeral director, funeral establishment, cremationist, or crematory license;
 2. July 1 for an embalmer's assistant registration; or

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- 3. July 31 for a prearranged funeral sales establishment endorsement or prearranged funeral salesperson registration.
- B. An applicant for a renewal license, registration, or endorsement shall submit to the Board:
 - 1. A renewal form, provided by the Board, that is signed and dated by the applicant and contains the applicant's:
 - a. Name,
 - b. Social security number,
 - c. Residence and practice addresses, and
 - d. Telephone number; and
 - 2. The fee required by the Board under A.R.S. § 32-1309.
- C. In addition to the requirements in subsection (B), an applicant renewing an intern, embalmer, or funeral director license or an embalmer's assistant registration shall submit to the Board a list of continuing education completed by the licensee or registrant or a continuing education waiver statement that meets the requirements in Article 4 of this Chapter.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Former Section R4-12-211 repealed and a new Section R4-12-211 adopted effective September 18, 1987 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1). New Section made by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-212. Reinstatement

- A. An applicant requesting reinstatement under A.R.S. §§ 32-1331, 32-1391.12(C), or 32-1391.14(C) shall submit to the Board:
 - 1. An application form that contains the applicant's:
 - a. Name,
 - b. Social security number,
 - c. Residence and practice addresses,
 - d. Telephone number, and
 - e. Signature, and
 - 2. The renewal and reinstatement fees required by the Board under A.R.S. § 32-1309.
- B. In addition to the requirements in subsection (A), an applicant requesting reinstatement of a prearranged funeral sales endorsement shall submit to the Board the information required in A.R.S. § 32-1391.12 (C).
- C. The Board shall send written notice of approval or denial of reinstatement within seven days of receiving the fees and application for reinstatement.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Repealed effective September 18, 1987 (Supp. 87-3). New Section made by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

ARTICLE 3. REGULATORY PROVISIONS

R4-12-301. General funeral services requirements

- A. Any funeral director, embalmer, funeral establishment or other person licensed by the Board shall comply with the following general funeral service requirements:
 - 1. Licensees shall deal with funeral services consumers in an honest and truthful manner, and shall be responsive and sensitive to particular requirements or needs concerning funeral arrangements. Licensees shall not engage in any conduct which causes or results in disrespect for the deceased person, disruption of the funeral services or any injury to the decedent's family, contrary to the prevailing standards and practices of the profession in this state.

- 2. Licensees shall perform their respective responsibilities concerning the care, handling, transportation and disposition of human remains and concerning all transactions with funeral services consumers in a careful and competent manner in accordance with the prevailing standards and practices of the profession in this state.
- 3. Licensees shall comply with all laws and regulations pertaining to their activities in the care, handling, transportation and disposition of human remains including, without limitation, the provisions of the Funeral Directors Act (A.R.S. § 32-1301 et seq.), the Prearranged Funeral Plan Act (A.R.S. § 44-1721 et seq.), and these rules. Licensees shall comply with all health laws and regulations which pertain to the embalming and preparation of human remains. The following health laws and rules should be reviewed and followed to the extent applicable:

Subject	Law or Rule
Vital statistics	A.R.S. § 36-301 et seq.
Health menaces	A.R.S. § 36-601 et seq.
Disposition of bodies	A.R.S. § 36-801 et seq.
Communicable diseases (Arizona Department of Health Services rules)	A.A.C. R9-6-110 et seq.
Vital statistics (Arizona Department of Health Services rules)	A.A.C. R9-19-301 et seq.

- 4. Licensees should also make reasonable efforts to cooperate with the customs of all religions and creeds according to the desires of the decedent or his family.
- 5. Licensees shall not make statements nor engage in activities which foreseeably could result in needless infliction of emotional distress on members of the decedent's family or result in exposing the remains to unnecessary indignity, including without limitation:
 - a. Making statements to members of the family designed to offend their sensibilities during grief, including unsolicited comments concerning graphic details of the embalming, or of the condition, decomposition or decay of the remains, except that statements which are necessary under the circumstances to adequately inform the family concerning the advisability of viewing the remains or having an open-casket funeral ceremony are not prohibited by this subsection.
 - b. Permitting the remains to be exposed or displayed to members of the family or the public in a manner not consistent with public health.
 - c. Permitting the remains to be exposed or displayed to members of the family or the public in a manner designed to offend their sensibilities during grief, including exposing or displaying the remains:
 - i. During the embalming or preparation process;
 - ii. Without clothing or suitable covering of the trunk and limbs of the remains;
 - iii. For any promotional or commercial purpose;
 - iv. For photographs, videotape or other reproductive process without clothing or suitable covering or during the embalming or preparation process.
 This subsection does not apply where public officials in the discharge of their duties view or examine the remains.

6. Licensees shall not disclose or divulge any privacy, secrecy, confidence or secret of the domestic or private life of any deceased or the family thereof or of any home or circle learned as a result of professional employment, unless such disclosure is required by law, or is necessary to conduct the legitimate business of the funeral establishment in accordance with law. Licensees shall not discuss facts concerning the cause of death, expenditures for the funeral, the source of funds, or other matters of a personal nature except with the members of the family or their authorized representatives. Such information may be released to the Board during an investigation or inspection if a release or other permission is obtained or received from a family member or if pursuant to a subpoena or other court or administrative directive.
 7. Licensees shall not pay or cause to be paid to any person including without limitation a nurse, attendant, doctor, ambulance personnel, hospital personnel, health care facility personnel, clergy or law enforcement officers, money or other valuable consideration to secure business from or through such person.
- B.** Failure to substantially comply with the provisions of this Section shall be deemed to be evidence of gross negligence, repeated or continuing negligence or other professional incompetence.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3).

R4-12-302. Deceptive practices prohibited

- A.** In selling or offering to sell funeral goods or funeral services to funeral services consumers, it is a deceptive act or practice for a funeral establishment, funeral director, embalmer, or agents or employees of a funeral establishment:
1. To advertise for or solicit business through the use of deceptive, misleading or inaccurate statements or other information.
 2. To display or represent funeral merchandise or services in a deceptive or misleading manner. Failure to display to or show funeral services consumers inexpensive caskets and containers regularly offered for sale and stocked by the funeral establishment is deemed to be a misleading display practice. Display of inexpensive caskets or containers, or photos or facsimiles thereof, under less favorable conditions or circumstances, including poor lighting, merchandise damage or defacement or conditions inhibiting the consumer's free choice of merchandise is also deemed to be a misleading display practice.
 3. To embalm a deceased human body unless:
 - a. State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or
 - b. Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or
 - c. The funeral establishment is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral establishment shall disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.
 4. To fail to promptly release upon request, deceased human remains to a family member, representative of the family or other person authorized by the family to take possession of the remains.
 5. To make any false, misleading or unsubstantiated statements or claims, or in any manner imply that natural decomposition or decay of human remains can be prevented by embalming, or certain caskets, vaults or other burial containers, or to otherwise make any false, misleading or unsubstantiated statements or claims of watertightness or airtightness of caskets, vaults or other burial containers.
 6. To reuse a casket or container previously purchased by or delivered to another decedent's family and intended for or used in connection with the burial, cremation or other final disposition of the previous decedent. This provision does not apply to the rental of caskets, containers, casket shells or other devices used in connection with the funeral services if the funeral services consumer is informed of the rental arrangement.
 7. To bill or otherwise charge a purchaser for merchandise or services not actually provided by or arranged through the funeral establishment.
 8. To represent that the price charged for a cash advance item is the same as the cost to the funeral establishment for the item when such is not the case, or to fail to disclose to purchasers that the price being charged for a cash advance item is not the same as the cost to the funeral establishment for the item when such is the case.
 9. To make disparaging statements concerning the quality, utility, suitability or durability of inexpensive caskets or containers without basis in fact.
 10. To make false or misleading statements concerning or otherwise engage in deceptive, misleading or fraudulent practices in connection with the advertising, solicitation or sale of prearranged funeral plans.
 11. To make any misrepresentations or omissions of material fact concerning funeral services, prices or the merchandise and services included in a stated price.
 12. To represent or insinuate that a direct cremation, immediate burial, inexpensive funeral arrangements or inexpensive casket, container or unfinished wood box would be disrespectful or inconsiderate to the decedent or family members, or friends, neighbors or associates of the decedent or family.
 13. To disrupt the funeral arrangement process or funeral service, intimidate, harass or coerce a family member, with the intent to prevent such family member from exercising existing contractual or legal rights.
- B.** Failure to substantially comply with the provisions of this Section shall be deemed to be evidence of gross negligence, repeated or continuous negligence or other professional incompetence.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Amended effective January 2, 1985 (Supp. 85-1).

R4-12-303. Misrepresentation of legal or cemetery requirements

- A.** In selling or offering to sell funeral goods or funeral services to funeral services consumers, it is a deceptive act or practice for a funeral establishment, funeral director, embalmer, or agents or employees of a funeral establishment to:

1. Represent that state or local law requires that a deceased person be embalmed when such is not the case, or fail to disclose that embalming is not required by law except where burial or cremation will not occur within 24 hours or where the body is not refrigerated immediately after death.
 2. Represent that state or local law requires a casket for direct cremation, or represent that a casket (other than an unfinished wood box) is required for direct cremations.
 3. Represent that state or local laws or regulations, or particular cemeteries require burial vaults, grave boxes or grave liners when such is not the case, or fail to disclose to persons arranging funerals that state law does not require the purchase of an outside receptacle.
 4. Represent that federal, state or local laws, or particular cemeteries or crematories require the purchase of any funeral goods or funeral services when such is not the case.
- B.** Failure to substantially comply with the provisions of this Section shall be deemed to be evidence of gross negligence, repeated or continuous negligence or other professional incompetence.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Former Section R4-12-303 repealed, new Section R4-12-303 adopted effective January 2, 1985 (Supp. 85-1).

R4-12-304. Telephone price disclosures requirement

- A.** Each funeral establishment shall tell persons who contact the establishment by telephone and ask about terms, conditions or prices of funeral goods or funeral services offered that price information is available over the telephone. The funeral establishment shall provide accurate information from the funeral price list required by R4-12-305 which reasonably answers the question and any other information which reasonably answers the question about the retail prices of funeral goods or funeral services readily available for sale to the caller.
- B.** If the caller requests a funeral price list, the funeral establishment shall mail its funeral price list required by R4-12-305 to the caller. If a funeral establishment mails a funeral price list to a caller, it may charge a reasonable postage and handling fee not to exceed two dollars. The establishment shall mail the price list to the caller within five days after receipt of the handling charge, or if the establishment does not require a handling charge, within seven days after the caller's price list request.

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1).

R4-12-305. Price lists requirement

- A.** Each funeral establishment, funeral director or embalmer shall provide a casket price list, an outside receptacle price list and a general price list in the form and in the manner required by Federal Trade Commission rules 16 CFR 453.2(b)(2), (3) and (4) issued pursuant to the Federal Trade Commission Act as amended and in effect on June 1, 1984. The items required by the Federal rules shall be included before additional items.
- B.** A copy of Federal Trade Commission rule 16 CFR 453.2(b) is on file with the Secretary of State and is incorporated by reference.

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1).

R4-12-306. Merchandise price card requirement

Each funeral establishment shall place a price card on each casket, container and outside receptacle the establishment makes available

for sale to funeral services consumers. Each price card shall be placed on or attached to each item of merchandise in a conspicuous manner which permits a potential purchaser to see the information on the price card when standing near the casket or other item of merchandise. Each price card shall conspicuously disclose the separate retail price of the merchandise item available for sale. Price cards on caskets or outside receptacles shall also disclose the construction or type, manufacturer or assembler, and model number or popular name of the casket or outside receptacle. Price cards on containers shall also disclose the construction or type and manufacturer or assembler of the container. Photographs or accurate pictures of merchandise items may be used if conspicuously displayed with the price card information required by this Section.

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1).

R4-12-307. Funeral goods and services memorandum

- A.** Each funeral establishment, funeral director or embalmer shall give an itemized written or printed memorandum of funeral goods and services ("statement") for retention to each potential purchaser of funeral goods or services at the conclusion of the discussion of any funeral arrangements and before the establishment enters into a contract with a purchaser of funeral goods or services. The itemized statement shall list at least the following information:
1. The name and address of the funeral establishment;
 2. A caption entitled "Statement of Funeral Goods and Services Selected";
 3. The funeral goods and services selected by that person and the prices to be paid for each item, specifically itemized cash advance items, the total cost of the goods and services selected and other information contained in or indicated by the "Statement of Funeral Goods and Services Selected" format in Appendices B or C (following R4-12-565) to these rules.
- B.** The information required by this Section may be included on any contract, statement or other document which the funeral establishment would otherwise provide at the conclusion of discussion of arrangements. The itemized disclosures required by this Section shall be made in a clear and conspicuous manner. The establishment shall indicate immediately adjacent to the appropriate items under the "funeral arrangements" and "automotive equipment" categories the funeral services, facilities and automotive equipment items selected by the purchaser. A funeral establishment may include additional itemized disclosures on the statement concerning goods and services selected. If certain charges required to be itemized on the statement are not known or reasonably ascertainable at the time the contract is signed, a good faith estimate of the charges shall be given on the statement and the establishment shall provide a written description of the actual charges to the purchaser within fifteen (15) days after the information becomes available to the establishment.
- C.** If an establishment uses the "statement of funeral goods and services selected" as a final bill, the following disclosures must be added to the statement, as shown in Appendix C to these rules:
- "If you elected a funeral which requires embalming, such as a funeral with a viewing, you may have to pay for the embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why in writing."
- If an establishment does not use the "statement of funeral goods and services selected" as a final bill, the disclosures concerning embalming required by this subsection must be

added to the final bill, contract or other written evidence of the agreement or obligation given to the purchaser, and the establishment may use the "statement of funeral goods and services selected" format as shown in Appendix B. The establishment shall disclose in writing to the purchaser on the statement any legal, cemetery or crematory requirement which mandates that the consumer purchase a specific funeral good or service. The establishment also shall disclose on the statement the "Notice to Purchaser" concerning casket and container legal requirements required by A.R.S. § 32-1373(B).

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1).

R4-12-308. Expired

Historical Note

Adopted effective July 1, 1985 (Supp. 85-1). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-309. Expired

Historical Note

Adopted effective January 2, 1985 (Supp. 85-1). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-310. Expired

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1). Amended effective September 18, 1987 (Supp. 87-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-311. Minimum embalming requirements

A. Embalmers and apprentice embalmers shall comply with the following minimum embalming procedures when embalming human remains:

1. All persons participating in the embalming procedure shall be either a licensed embalmer or a registered apprentice embalmer. Apprentice embalmers shall be under the direct supervision of a licensed embalmer during the embalming. "Direct supervision," as used in this subsection, means that the licensed embalmer shall at all times be immediately available on the funeral establishment premises to supervise the apprentice embalmer, except that if the apprentice embalmer has embalmed at least ten adult human remains and has been registered with the Board for a minimum of six months, the supervision requirement is deemed to have been met if the apprentice has immediate access to and is performing according to the directions of a licensed embalmer.
2. Regulations of the Arizona Department of Health Services and of county health departments pertaining to sewage, sanitation and public health requirements shall be observed.
3. All persons engaged in the embalming process shall wear a clean smock or gown and wear impervious rubber gloves.
4. All clothing shall be removed from the remains and a visual inspection of the condition of the remains shall be conducted.
5. To the extent feasible under the circumstances, the entire remains, including all extremities (legs, arms, feet, hands and head) shall be washed with an antiseptic or detergent solution.
6. To the extent feasible under the circumstances, the arterial injection technique shall be used in the embalming

process. If the arterial circulation of any portion of the remains is materially incomplete or impaired due to advanced decomposition or autopsy, then the embalming may be done by hypodermically injecting those areas.

7. Embalming solution shall be injected into the entire remains, including extremities (legs, arms, feet, hands and head), and shall be injected in such dilutions and pressures as warranted by the condition of the remains in accordance with prevailing professional practice.
 8. The abdominal and thoracic cavities of the remains shall be injected with a concentrated cavity chemical after liquids and materials have been substantially removed through a trocar. The cavity chemical shall be injected into and thoroughly distributed in such cavities in accordance with prevailing professional practice.
 9. If the body is to be viewed at a funeral service, cosmetic procedures should be employed in accordance with the wishes of the family and prevailing professional practice.
 10. Within 24 hours after the embalming procedure, an embalming case report shall be prepared describing the elapsed time since death, condition of the remains before and after embalming, and embalming procedures used.
 11. After embalming procedures have been completed, the remains shall be covered and diligent effort shall be made to maintain the privacy of the remains.
- B.** The care and preparation for burial or other disposition of human remains shall be strictly private and no one shall be allowed in the embalming room while a dead human body is being embalmed, except licensees or other authorized employees of the establishment, instructors of the science of embalming and their students, public officials in the discharge of their duties or other persons having the legal right to be present.
- C.** Each funeral establishment and responsible funeral director shall adopt and implement adequate procedures concerning the supervision of embalming personnel to assure compliance with this rule.
- D.** Failure to substantially comply with the minimum embalming standards contained in this rule shall be deemed to be evidence of gross negligence, repeated or continuing negligence or other professional incompetence.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3).

R4-12-312. Equipment and sanitation requirements

A. The Board recommends that the following instruments, equipment and supplies be maintained in the preparation room of a funeral establishment:

1. 1 set metal or rubber drain tubes (large, medium, small)
2. 1 set metal injection tubes (large, medium, small)
3. 1 grooved director or equal
4. 1 aneurysm needle
5. 1 large trocar
6. 1 small trocar
7. 1 scalpel
8. 1 pair scissors
9. 6 hemostats
10. 2 forceps
11. 1 hypodermic syringe
12. hypodermic needles (assorted)
13. aspirator
14. suture needles
15. suture thread
16. disinfectant
17. 1 set of cream or liquid cosmetics
18. 1 powder brush
19. 1 application brush

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20. wax for restorative work
 21. soap
 22. cotton
 23. head rest
 24. hardening compound
 25. arterial embalming fluid
 26. cavity embalming fluid
 27. embalming machine or percolator gravity injector and bulb syringe if latter used
 28. sheets or covers for remains.
- B.** All funeral establishments shall be kept and maintained in a clean and sanitary condition and all embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming human remains shall be thoroughly cleansed and disinfected with a 1% solution of chlorinated soda, or other suitable and effective disinfectant immediately after the embalming of each remains.
- C.** Every preparation room shall be equipped with a sanitary embalming table, and such table should be provided with running water.
- D.** Every preparation room should be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials and supplies, and all such waste materials shall be properly disposed of.
- E.** At no time shall the operation of the establishment constitute or create a health nuisance or hazard.

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3).

ARTICLE 4. CONTINUING EDUCATION

R4-12-401. Reserved

R4-12-402. Reserved

R4-12-403. Reserved

R4-12-404. Reserved

R4-12-405. Expired

Historical Note

Adopted effective June 16, 1981 (Supp. 81-3). Former Section R4-12-405 repealed, a new Section R4-12405 adopted effective September 18, 1987 (Supp. 87-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-406. Reserved

R4-12-407. Reserved

R4-12-408. Reserved

R4-12-409. Reserved

R4-12-410. Reserved

R4-12-411. Reserved

R4-12-412. Reserved

R4-12-413. Continuing Education Hours Required

- A.** Unless a funeral director or embalmer obtains a waiver under R4-12-414, the funeral director or embalmer shall complete 12 credit hours or more of continuing education every calendar year as follows:
1. At least three credit hours in mortuary sciences;
 2. At least three credit hours in ethical considerations in business practices and state and federal laws; and

3. At least six other credit hours intended to enhance professional development or competence.

- B.** Unless an embalmer's assistant obtains a waiver under R4-12-414, the embalmer's assistant shall complete six credit hours or more of continuing education every calendar year as follows:
1. At least three credit hours in mortuary sciences, and
 2. At least three credit hours covering compliance with state and federal laws.
- C.** A licensee who has been licensed for less than 12 months during a calendar year shall complete one credit hour of continuing education for each month of licensure.
- D.** A registrant who has been registered for less than 12 months during a calendar year shall complete one credit hour of continuing education for every two months of registration.

Historical Note

Adopted effective February 8, 1991 (Supp. 91-1).
Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-414. Waiver of Continuing Education

- A.** The Board shall waive the continuing education requirements in R4-12-413 for a funeral director or an embalmer whose license or registration has been placed on inactive status or who was serving in the United States Armed Forces in time of war.
- B.** The Board may waive the continuing education requirements in R4-12-413 upon request and for good cause, which includes:
1. For an embalmer's assistant, that the embalmer's assistant:
 - a. Was serving in the United States Armed Forces in time of war, or
 - b. Has not practiced as an embalmer's assistant during the year in which continuing education is required;
 2. That the funeral director, embalmer, or embalmer's assistant was prevented from completing continuing education due to extreme hardship, a disability, or a mental or physical illness; or
 3. That the funeral director, embalmer, or embalmer's assistant was prevented from completing continuing education because of absence from the United States.
- C.** A funeral director, embalmer, or embalmer's assistant who is unable to complete the continuing education required in R4-12-413 may submit, before a renewal application is due or with a renewal application, a written request to the Board for a waiver from the continuing education required in R4-12-413 that contains:
1. The name, address, and telephone number of the licensee or registrant,
 2. An explanation of why the licensee was unable to meet the Board's continuing education requirements that includes one of the reasons in subsection (A) or (B);
 3. Any documents that support the explanation; and
 4. The signature of the licensee or registrant.
- D.** The Board shall send written notice of approval or denial of the request for waiver within seven days of receipt of the request.

Historical Note

Adopted effective February 8, 1991 (Supp. 91-1).
Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-415. Continuing Education Determinations

- A.** To obtain a Board determination that continuing education satisfies the requirements of A.R.S. § 32-1338 and R4-12-413, a

licensee or registrant shall submit a written request to the Board before submission of a renewal application.

- B. A request under subsection (A) shall contain:
 1. A brief summary of the continuing education;
 2. The date and place where the continuing education was provided;
 3. The number of credit hours of the continuing education;
 4. The name of the individual providing the continuing education, if available; and
 5. The name of the organization providing the continuing education, if applicable.
- C. In making the continuing education determination, the Board shall consider whether the continuing education:
 1. Is designed to provide current developments, skills, and procedures related to funeral practices;
 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 3. Contributes directly to the professional competence of the licensee or registrant.

Historical Note

Adopted effective February 8, 1991 (Supp. 91-1).
Amended by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

R4-12-416. Documentation of Continuing Education

A licensee or registrant shall submit a written document of completed continuing education with a renewal application that includes:

1. The name of the licensee or registrant;
2. The title of each continuing education;
3. A brief summary of the content of each continuing education;
4. The date of completion of each continuing education;
5. The number of credit hours of each continuing education; and
6. A statement, signed and dated by the licensee or registrant, verifying that the information in the document is true and correct.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 681, effective April 3, 2004 (Supp. 04-1).

ARTICLE 5. PREARRANGED FUNERAL AGREEMENTS

R4-12-501. Expired

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).
Amended by adding a new paragraph (4) effective June 18, 1987 (Supp. 87-2). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-502. Expired

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-503. Expired

Historical Note

Adopted effective June 18, 1987 (Supp. 87-2). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-504. Reserved

R4-12-505. Reserved

R4-12-506. Reserved

R4-12-507. Reserved

R4-12-508. Reserved

R4-12-509. Reserved

R4-12-510. Reserved

R4-12-511. Reserved

R4-12-512. Reserved

R4-12-513. Reserved

R4-12-514. Reserved

R4-12-515. Reserved

R4-12-516. Reserved

R4-12-517. Reserved

R4-12-518. Reserved

R4-12-519. Reserved

R4-12-520. Reserved

R4-12-521. Expired

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-522. Reserved

R4-12-523. Surety bond requirements

A. A funeral establishment applying for a prearranged funeral sales endorsement shall provide the Board with the number of prearranged funeral agreements sold during the immediately preceding calendar year and provide the applicable surety bond as follows:

1. \$15,000 if the establishment sold fewer than 100 prearranged funeral agreements during the immediately preceding calendar year;
2. \$30,000 if the establishment sold 100 or more, but fewer than 250 prearranged funeral agreements during the immediately preceding calendar year; or
3. \$50,000 if the establishment sold 250 or more prearranged funeral agreements during the immediately preceding calendar year.

The amount of the surety bond shall be increased by \$5,000 for each salesperson currently registered by the Board for the establishment.

B. The corporate surety bond provided to the Board shall contain the language specified by Appendix D (following R4-12-565).

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-524. Reserved

R4-12-525. Reserved

R4-12-526. Reserved

R4-12-527. Reserved

R4-12-528. Reserved

R4-12-529. Reserved**R4-12-530. Reserved****R4-12-531. Repealed****Historical Note**

Adopted effective January 1, 1985 (Supp. 85-1). Section repealed by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-532. Reserved**R4-12-533. Reserved****R4-12-534. Reserved****R4-12-535. Reserved****R4-12-536. Reserved****R4-12-537. Reserved****R4-12-538. Reserved****R4-12-539. Reserved****R4-12-540. Reserved****R4-12-541. Consumer disclosures**

- A. The consumer notice required by A.R.S. § 32-1391.08(A) and (C) shall be conspicuously printed on either the first or signature page of the prearranged funeral agreement.
- B. At the time the purchaser signs the agreement the funeral establishment shall provide a copy of the prearranged funeral agreement for retention by the purchaser.
- C. At the time of the inquiry or solicitation the funeral establishment shall provide a copy of its current price list for retention by the person who inquires about or is personally solicited regarding a prearranged funeral agreement.
- D. Pursuant to A.R.S. § 32-1373, each contract for prearranged funeral services also shall contain one of the following notices, as appropriate, conspicuously printed near the top of the first page:
1. THIS FUNERAL CONTRACT IS FUNDED BY INSURANCE.
 2. THIS FUNERAL CONTRACT IS FUNDED BY A PRE-ARRANGED FUNERAL TRUST ACCOUNT.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1). Amended by adding a new subsection (D) effective June 18, 1987 (Supp. 87-2).

R4-12-542. Reserved**R4-12-543. Reserved****R4-12-544. Reserved****R4-12-545. Deceptive, misleading or professionally negligent practices**

In selling or offering to sell prearranged funerals, or in handling the trust funds or accounts of a prearranged funeral consumer, it is a deceptive, misleading or professionally negligent practice for anyone licensed under Title 32, Chapter 12, A.R.S. or his agent:

1. To misstate or omit to state any material fact upon which a prearranged funeral consumer detrimentally relies concerning the transaction or the prearranged funeral.
2. To represent or imply that the prices of funeral goods and services to be provided pursuant to a fixed price prear-

ranged funeral agreement are guaranteed, frozen or otherwise an absolute economic certainty.

3. To guarantee or promise that the funeral establishment will be in business at any indefinite time in the future.
4. To fail to disclose to the purchaser or beneficiary within ten business days after a request, the most currently available information concerning the purchaser's principal payments, all earned interest on the principal and total service fees charged concerning that purchase.
5. To intentionally mislead or deceive by entering into a contract with a prearranged funeral purchaser, while any blank in the contract other than for the account number has not been completed.
6. To enter into a prearranged funeral agreement to provide funeral goods and services not regularly sold by the funeral establishment at the time of execution of the agreement.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-546. Description of casket

A prearranged funeral agreement shall be deemed misleading unless it describes the following information concerning any casket to be provided under the agreement:

1. Specific construction and type.
2. Interior fabric.
3. Manufacturer and model number or popular name.
4. Special features, if any.
5. Casket retail price.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-547. Reserved**R4-12-548. Possession of trust account passbook**

With respect to individual trust accounts, the funeral establishment shall offer a prearranged funeral purchaser the option of either obtaining a copy of the financial institution passbook, certificate of deposit, or other similar documentation of the prearranged funeral trust account for his personal possession, or authorizing the funeral establishment to maintain such documentation on behalf of the purchaser. This Section does not apply to common trust accounts.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-549. Reserved**R4-12-550. Reserved****R4-12-551. Certificate of entitlement**

The certificate of entitlement which a funeral establishment delivers to the financial institution servicing a prearranged funeral trust account or accounts shall contain the following information:

1. Name of the funeral establishment.
2. Name and location of financial institution.
3. Prearranged funeral trust account number(s).
4. The amount of trust funds to be withdrawn as the annual service fee.
5. Certification by the funeral establishment that it is contractually entitled to an annual service fee for the preceding calendar year pursuant to the terms of the prearranged funeral agreement(s).

The certificate shall be signed and dated by the owner or responsible funeral director of the establishment and sworn to before a notary public. On receipt of an appropriately completed certificate of entitlement, the financial institution shall release a portion of the

trust funds equal to the annual service fee to the funeral establishment. The portion of trust funds released to the establishment shall not exceed 10 percent of the interest which has accrued on the trust funds during the preceding calendar year.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-552. Certificate of performance

- A. The certificate of performance which a funeral establishment delivers to the financial institution servicing a prearranged funeral trust account after the death of the beneficiary of a prearranged funeral agreement shall contain the following information:
1. Name of the funeral establishment.
 2. Name and location of financial institution and trust account number
 3. Name of deceased beneficiary.
 4. Certification of the total charges for the funeral goods and services provided in the funeral arrangements.
 5. Certification that it provided the funeral goods and services pursuant to the prearranged funeral agreement.
- B. If the certificate of performance concerns a fixed price prearranged funeral agreement, it shall contain the following additional information:
1. Certification that the establishment agreed in the prearranged funeral agreement to fix the prices of the funeral goods and services provided under the agreement at the price levels in effect at the time of the execution of the agreement by the purchaser.
- C. The certificate shall be signed and dated by the owner or responsible funeral director of the establishment and sworn to before a notary public. The certified death certificate of the deceased beneficiary shall accompany the certificate of performance when it is delivered to the financial institution. On receipt of the certified death certificate and appropriately completed certificate of performance, the financial institution shall release a portion of the trust funds equal to the establishment's charges for funeral goods and services for the beneficiary's funeral arrangements. If the certificate of performance concerns a fixed price prearranged funeral agreement, the financial institution may release an additional portion of the trust funds to the establishment equal to that portion of the total accrued interest on principal payments deposited in the trust account during the term of the prearranged funeral agreement which the purchaser agreed to convey to the establishment.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-553. Reserved

R4-12-554. Statement of accrued taxes

The statement of accrued taxes which a funeral establishment delivers to the financial institution servicing a prearranged funeral trust account or accounts shall contain the following information:

1. Name of the funeral establishment.
2. Name and location of financial institution.
3. Prearranged funeral trust account number(s).
4. Statement identifying the person by whom taxes are due and payable concerning income earned from funds deposited in the trust account(s). The statement shall describe the taxing authority to which the taxes are due, the amount of taxes due and payable concerning each trust account and the fiscal period the taxes concern. The statement shall be signed and dated by the owner or responsible funeral director and one other employee of the establishment. On receipt of an appropriately completed

statement of accrued taxes, the financial institution shall release a portion of the trust funds equal to the accrued taxes, payable to the taxing authority, to the funeral establishment.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-555. Reserved

R4-12-556. Notice of trust account transfer

- A. If a funeral establishment directs a financial institution to transfer a common prearranged funeral trust account pursuant to A.R.S. § 32-1391.04(C), it shall provide written notice by first class mail to the last known address of each participant not less than ten business days before transfer of the account. The notice shall advise each participant that the account is being transferred and give the name and location of the new financial institution and trust account number. The notice also shall contain a conspicuous statement that the establishment will provide specific information concerning the trust account status upon request.
- B. If a funeral establishment is sold, or its name or location is changed or the prearranged funeral trust account is in any way transferred to another entity, the funeral establishment shall notify the Board of the disposition of the trust account within ten business days after the change in the status of the trust account. The funeral establishment also shall provide written notice by certified mail to the last known address of each participant in the prearranged funeral trust account within thirty business days after the change in the status of the trust account. The notice shall advise each participant of the change of status of the trust account and shall contain a conspicuous statement that the establishment, or its successor in interest, will provide specific information concerning the trust account status upon request.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

Amended by adding a new subsection (B) effective June 18, 1987 (Supp. 87-2).

R4-12-557. Reserved

R4-12-558. Reserved

R4-12-559. Purchaser cancellation requests

The written request from a purchaser of a prearranged funeral agreement or designated person to terminate the agreement and refund the trust funds shall contain the following information:

1. Name of funeral establishment.
2. Full name of the prearranged funeral purchaser or designated person making the request.
3. Statement of purchaser or designated or legally responsible person requesting refund of the trust funds.

The cancellation request shall be signed by the purchaser, designated or legally responsible person. Within five days following receipt of a properly signed cancellation request, the financial institution shall release the trust funds, payable to the person making the cancellation request, to the establishment for refund to the requesting person.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-560. Reserved

R4-12-561. Annual report format

- A. The annual report concerning prearranged funeral sales and trust account activities filed by funeral establishments pursuant to A.R.S. § 32-1391.15 shall contain the information indi-

Board of Funeral Directors and Embalmers

cated by the annual report format in Appendix E (following R4-12-565). If a funeral establishment does not offer or sell prearranged funerals on or after January 1, 1985, it shall annually provide to the Board the information required by Appendix E concerning:

1. Each prearranged funeral trust account established before the effective date of this Article and in existence during any portion of the preceding calendar year and;
2. Trust account deposits, withdrawals and service fees during the preceding calendar year.

B. If a funeral establishment offers or sells prearranged funeral agreements on or after January 1, 1985, it shall annually provide to the Board the information required by Appendix E concerning:

1. Each prearranged funeral trust account established before the effective date of this Article and in existence during any portion of the preceding calendar year;
2. Each prearranged funeral agreement sold after January 1, 1985 and in existence during any portion of the preceding calendar year, and;
3. Trust account deposits, withdrawals and service fees during the preceding calendar year.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

R4-12-562. Reserved

R4-12-563. Reserved

R4-12-564. Reserved

R4-12-565. Records retention requirement

Each funeral establishment shall retain and make available for inspection by Board representatives true and accurate copies of the following records during the term of the prearranged funeral agreement and for three years following the death of the beneficiary or the termination of the agreement:

1. The prearranged funeral agreement.
2. Each notice of the transfer of the trust account to another financial institution, together with a record of the names and last known addresses of the purchasers and the dates on which the notice was mailed.
3. The certificate of performance from the funeral establishment stating that it provided the requested funeral goods and services which is delivered to a financial institution.
4. Each certificate from the funeral establishment concerning entitlement to service fees concerning the trust account.
5. Each statement of accrued taxes from the funeral establishment concerning the trust account.
6. Each cancellation or termination request from a purchaser.
7. Detailed financial institution statements and accounting records concerning the trust account.

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

Appendix B. Statement of Funeral Goods and Services Selected

STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

The charges are only for those items that are used. If we are required by law to use any items, we will explain the reasons in writing.

FUNERAL OF _____

Table with funeral services and costs: FORWARDING OF REMAINS TO ANOTHER FUNERAL HOME, RECEIVING OF REMAINS FROM ANOTHER FUNERAL HOME, DIRECT CREMATION, TRANSFER OF REMAINS TO FUNERAL HOME, IMMEDIATE BURIAL, FUNERAL ARRANGEMENTS, AUTOMOTIVE EQUIPMENT, ACKNOWLEDGMENT CARDS, CASKET SELECTED, VAULT OR LINER, OTHER ITEMS.

CASH ADVANCE ITEMS table: Organist and/or other music, Hairdresser or barber, Flowers, Pallbearers, Motorcycle escorts, Clergy Honoraria, Obituary Notice, Death Certificate(s), Gratuities, Other (describe).

TOTAL COST FOR ARRANGEMENTS SELECTED FOR FUNERAL HOME, Date, Arranged by, Date

NOTICE TO PURCHASER

You may choose to purchase a casket or container for the funeral services and final disposition. However, except under certain public health circumstances pursuant to A.R.S. § 36-136, state law does not require the purchase or use of caskets or containers. METHOD OF PAYMENT AND INTEREST CHARGES [describe the method of payment required by the funeral establishment for the funeral services and any interest charges.

[Statement not used as final bill]

Historical Note
Adopted effective January 1, 1985 (Supp. 85-1).

Appendix C. Statement of Funeral Goods and Services Selected

STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

The charges are only for those items that are used. If we are required by law to use any items, we will explain the reasons in writing.

FUNERAL OF _____

Table with funeral services and costs: FORWARDING OF REMAINS TO ANOTHER FUNERAL HOME, RECEIVING OF REMAINS FROM ANOTHER FUNERAL HOME, DIRECT CREMATION, TRANSFER OF REMAINS TO FUNERAL HOME, IMMEDIATE BURIAL, FUNERAL ARRANGEMENTS, AUTOMOTIVE EQUIPMENT, ACKNOWLEDGMENT CARDS, CASKET SELECTED, VAULT OR LINER, OTHER ITEMS.

Table with cash advance items: Organist and/or other music, Hairdresser or barber, Flowers, Pallbearers, Motorcycle escorts, Clergy Honoraria, Obituary Notice, Death Certificate(s), Gratuities, Other (describe).

TOTAL COST FOR ARRANGEMENTS SELECTED FOR FUNERAL HOME, Arranged by, Date

NOTICE TO PURCHASER

You may choose to purchase a casket or container for the funeral services and final disposition. However, except under certain public health circumstances pursuant to A.R.S. § 36-136, state law does not require the purchase or use of caskets or containers. METHOD OF PAYMENT AND INTEREST CHARGES [describe the method of payment required by the funeral establishment for the funeral services and any interest charges.

[Statement not used as final bill]

Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

Appendix D. Prearranged Funeral Endorsement Bond

The corporate surety bond delivered to the Board with a prearranged funeral sales endorsement application shall contain the following language:

“PREARRANGED FUNERAL ENDORSEMENT BOND

KNOW ALL MEN BY THESE PRESENTS, that we _____ of _____ as principal and _____, a surety company organized and existing under the laws of the State of _____ and authorized to do business under the laws of the State of Arizona as surety, are held and firmly bound unto the State of Arizona for the use and benefit of persons injured by violations of Title 32, Chapter 12, Article 5, Arizona Revised Statutes, in the penal sum of _____ (_____) lawful money of the United States of America, to be paid to the State of Arizona for the use and benefit aforesaid, for which sum, well and truly to be paid, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

The Condition of the above obligation is such that:

WHEREAS the above named principal has applied for an endorsement to its funeral establishment license in the State of Arizona to sell prearranged funeral agreements in conformance with Title 32, Chapter 12, Article 5, Arizona Revised Statutes, and is required by the provisions of such statutes to furnish a

bond in the sum above-named, conditioned as herein set forth.

Now, therefore, if the principal shall during the term of this bond strictly, honestly and faithfully comply with the provisions of Title 32, Chapter 12, Article 5, Arizona Revised Statutes during the term of this bond and shall pay all damages, attorneys fees and other expenses suffered by any person by reason of the violation of any of the provisions of such statutes which concern (1) providing contract information and consumer disclosures, (2) receiving and placing purchaser funds in appropriate trust accounts, (3) maintaining the security and integrity of the trust funds until lawfully disbursed, (4) misrepresentation or deceptive conduct in the advertising, solicitation or sale of prearranged funeral agreements, and (5) criminal misconduct by employees or agents of the funeral establishment concerning the prearranged funeral agreements or trust funds, then this obligation shall be void.

The State of Arizona may proceed against the Bond for the benefit of any person injured by a violation of Title 32, Chapter 12, Article 5, or the person so injured may directly proceed against the Bond in case of default by the principal.

This bond shall become effective on the _____ day of _____, 19 __, and shall remain in force until cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving thirty days written notice to the principal and to the Board of Funeral

Appendix D. (cont.)

Directors and Embalmers of the State of Arizona. The liability of the surety for the aggregate of any and all claims which may arise hereunder shall in no event exceed the amount of the penal sum of this bond.

Loss is covered under this bond only if a claim is made hereunder not later than two years after the cancellation or termination of the bond. If the coverage of this bond is substituted for any prior bond provided by the principal, which prior bond is terminated or cancelled as of the time of such substitution, the surety agrees that this bond applies to loss which is discovered and which would have been recoverable under such prior bond except for the fact that the time within which to discover loss thereunder had expired, provided:

(1) Such loss would have been covered under this bond had this bond with its agreements, limitations and conditions as of the time of such substitution been in force when the acts or defaults causing such loss were committed; and

(2) Recovery under this bond on account of such loss shall in no event exceed that amount which would have been recoverable under this bond in the amount for which it is written as of the time of such substitution, had this bond been in force when such acts or defaults were committed, or the amount which would have been recoverable under such prior bond or policy had such prior bond or policy continued in force until the discovery of such loss, if the latter amount be smaller.

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IN WITNESS WHEREOF, the principal and surety have hereunto set their hands and seals this ____ day of _____, 1984.

PRINCIPAL
By: _____

SURETY COMPANY
Countersigned:
By: _____ By: _____

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Historical Note

Adopted effective January 1, 1985 (Supp. 85-1).

Appendix E. Annual Report

ANNUAL REPORT

For Calendar Year Ending _____

Name of Establishment _____

Address _____

_____ Zip _____

Owners (owning a 10 percent or greater interest in the Establishment):

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Funeral Establishment License No. _____ Issued _____

AFFIDAVIT

State of _____

County _____

_____, being first duly sworn and upon [my] [our] oath, depose and state:

[I am] [We are] the owner(s) of (____ establishment ____) on behalf of which [I] [we] make this affidavit, being hereunto duly authorized. The funeral establishment herein named has complied with title 32, Chapter 12, Article 5 of the Arizona Revised Statutes and the rules adopted pursuant to said Article. This Annual Report includes all prearranged funeral agreements sold or administered by this establishment. [I] [We] have read this Annual Report and accompanying Schedules A, B, C, D and E and know the contents thereof, and the matters and things therein stated are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19 _____.

Notary Public

Board of Funeral Directors and Embalmers

Appendix E. (cont.)

SCHEDULE A
Page _____

PREARRANGED FUNERAL SALES DURING
CALENDAR YEAR ENDING _____

Financial Institution Name _____
Address _____
Trust Account No.(s)* _____

PURCHASER NAME AND ADDRESS	SALE DATE	SALES PERSON	BENEFI- CIARY	TOTAL CONTRACT AMOUNT	INITIAL SERVICE FEE	INITIAL SERVICE FEE PAID	TOTAL MON- IES PAID BY PURCHASER	TOTAL MON- IES TO TRUST ACCOUNT	TOTAL REFUNDS MADE	BANK SERVICE CHARGES	OTHER WITH- DRAWALS (EXPLAIN)**	12/31 TRUST ACCOUNT BALANCE
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Page Totals

TOTALS

* If this schedule concerns a number of trust accounts, provide names and addresses of financial institutions and list account numbers on separate sheet.

** If other withdrawals have occurred, explain in detail on separate sheet.

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Appendix E. (cont.)

SCHEDULE B
Page _____

EXISTING PREARRANGED FUNERAL
AGREEMENTS SOLD BEFORE CALENDAR
YEAR ENDING _____

Financial Institution Name _____
Address _____
Trust Account No.(s)* _____

PURCHASER NAME AND SALE DATE	TOTAL CONTRACT AMOUNT	INITIAL SERVICE FEE	INITIAL SERVICE FEE PAID	TOTAL MON- IES PAID BY PURCHASER THIS YEAR	TOTAL MON- IES PAID BY PURCHASER	TOTAL MON- IES TO TRUST ACCOUNT	TOTAL REFUNDS PAID	ANNUAL SERVICE FEE	TAXES PAID	BANK SERVICE CHARGES	OTHER WITH- DRAWALS (EXPLAIN)**	12/31 TRUST ACCOUNT BALANCE
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Page Totals

TOTALS

* If this schedule concerns a number of trust accounts, provide names and addresses of financial institutions and list account numbers on separate sheet.

** If other withdrawals have occurred, explain in detail on separate sheet.

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page 3

Appendix E. (cont.)

SCHEDULE C
Page _____

Financial Institution Name _____
Address _____
Trust Account No.(s)* _____

SUMMARY OF TRUST ACCOUNT
TRANSACTIONS FOR CALENDAR
YEAR ENDING _____

Total trust funds in account(s) on December 31 of previous calendar year. \$ _____ \$ _____

Total funds received and deposited in trust account(s) during this calendar year. \$ _____

Total funds withdrawn from trust account(s) during this calendar year:

- 1) Funeral arrangements \$ _____
 - 2) Annual service fees \$ _____
 - 3) Tax payments \$ _____
 - 4) Financial institution service charges \$ _____
 - 5) Refunds to purchasers \$ _____
 - 6) Other withdrawals** \$ _____
- TOTAL WITHDRAWALS

\$ _____

Total interest paid to trust account(s) during this calendar year. \$ _____

Total trust funds in account(s) on December 31 of this calendar year. \$ _____

Total funds received for trust but not deposited in trust account(s) as of December 31 of this calendar year. \$ _____

* If this schedule concerns a number of trust accounts, provide names and addresses of financial institutions and list account numbers on separate sheet.

** If other withdrawals have occurred, explain in detail on separate sheet.

**ARTICLE 6. CREMATORY AND CREMATION
REGULATION**

R4-12-601. Repealed

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3). Section repealed by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-602. Authorizing agent

- A.** In conformity with A.R.S. §§ 36-831 and 36-831.01, the persons authorized to order the cremation of human remains have the following order of precedence.
1. Spouse of the decedent.
 2. An adult child with preference given in the following order:
 - a. Executor of the estate.
 - b. Guardian of the spouse.
 - c. An adult child living in Arizona.
 3. A parent of a minor child.
 4. Any other person or organization, except the county where the death occurred, that is willing to order cremation and assume the legal and financial responsibility within 24 hours after the death. Preference shall be given in the following order:
 - a. A parent
 - b. Executor of the estate.
 - c. Last appointed guardian of the decedent.
- B.** If none of the persons named in subsection (A) is willing to decide whether to cremate, the public fiduciary or other representative designated to handle funeral arrangements by the county in which the death occurred may order cremation.
- C.** A crematory authority knowingly shall not cremate human remains if a challenge of the qualifications of an authorizing agent is received prior to a cremation. If there is a challenge of the qualifications of an authorizing agent, the funeral establishment shall:
1. Provide to the decedent's family or the authorizing agent all options available at the funeral establishment for preserving the body which are not in conflict with R4-12-302(A)(3); and
 2. Await a court order or settlement of the dispute before cremation may occur.
- D.** If the human remains already have been delivered to the crematory, the crematory shall either place the human remains in a refrigerated holding facility or return the human remains to the custody of the funeral establishment.
- E.** If an event described in subsections (C) or (D) occurs, chronological reports of the event shall be prepared by the funeral establishment and the crematory authority. Each report shall be dated and signed by the author and shall be entered into the cremation record within 24 hours after the occurrence.
- F.** A funeral establishment or cemetery operator may challenge the authority of an authorizing agent.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-603. Reserved

R4-12-604. Reserved

R4-12-605. Reserved

R4-12-606. Reserved

R4-12-607. Reserved

R4-12-608. Reserved

R4-12-609. Reserved

R4-12-610. Reserved

R4-12-611. Repealed

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3). Section repealed by final rulemaking at 7 A.A.R. 1441, effective March 14, 2001 (Supp. 01-1).

R4-12-612. Crematory requirements

- A.** A crematory shall be maintained in a clean and orderly manner. "Clean and orderly" means the following:
1. Absence of litter, dirt and debris inside a facility, except that which is contained in a covered receptacle no larger than 35 gallons.
 2. Scrupulous maintenance of the cremation chamber so that, as far as practicable, visible residue of the cremation process is removed after each cremation.
 3. Neat alignment of unused cremation containers, urns, boxes or other merchandise so that they do not impede passage through the facility or their placement in a separate storage area.
- B.** Unclaimed cremated remains shall be placed in an enclosed receptacle which shall be held temporarily in a secure place which is restricted to the crematory owners, operators, employees, and public officials in the discharge of their duties.
- C.** A receptacle containing unclaimed cremated remains shall be identified clearly and indelibly with the name and location of the crematory, the name of the deceased and the date of cremation. If the receptacle containing the cremated remains is a temporary cremation box, the identification shall be affixed permanently on the cremation box. If the receptacle is an urn, the identification shall be affixed securely but temporarily to the urn.
- D.** A crematory registered pursuant to R4-12-611 shall maintain the following on its premises:
1. A cremation chamber constructed to withstand temperatures high enough to reduce human remains to bone fragments and sufficiently safe so that employees, surrounding structures, other persons and property are not subjected to damage from excessive heat or harmful emissions.
 2. A holding facility which preserves the dignity of the decedent as follows:
 - a. Human remains which have not been embalmed shall be held at a temperature of 38 degrees Fahrenheit or below.
 - b. Entrance to the holding facility while human remains are being held shall be limited to authorized employees of the crematory authority, a funeral director, embalmer, public officials in the discharge of their duties or other persons having the legal right to be present.
 - c. Except at the request and in the presence of the authorizing agent, crematory personnel shall not open a container or casket containing human remains without the presence of a licensed funeral director or embalmer. If a container or casket is opened, the funeral director or embalmer shall prepare, execute and date a report stating the reason. The report shall be made part of the cremation record of the crematory authority.
 - d. Each crematory authority shall adopt, and the responsible funeral director or cemetery operator

shall enforce, personnel procedures which shall assure compliance with this subsection.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-613. Cremation container or casket for cremation; requirements

- A. A funeral establishment which offers cremation services shall display, place on its general price list under "Direct Cremation," and make available to consumers who choose cremation services, a rigid, covered, alternative container which is constructed of material, such as cardboard, fiberboard or unfinished wood, that shall be entirely consumed or reduced to fine residue during the cremation process.
- B. A funeral establishment also may offer for sale in connection with cremations a closed casket which meets the combustibility requirements in subsection (A).
- C. Caskets or containers constructed of metal or of a substance which when subjected to the cremation process emits harmful fumes shall not be sold or used for cremation.
- D. If the responsible funeral director determines that there is potential for leakage from the cremation container or casket prior to the cremation, the funeral establishment shall line the container or casket with material that will prevent such occurrence or shall encase the human remains in a leakproof body pouch prior to placing the human remains in the container or casket.
- E. Body fluids removed from the decedent prior to cremation shall not be forwarded for cremation except by the explicit request of the authorizing agent and with the knowledge and consent of the crematory authority.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-614. Reserved

R4-12-615. Reserved

R4-12-616. Reserved

R4-12-617. Reserved

R4-12-618. Reserved

R4-12-619. Reserved

R4-12-620. Reserved

R4-12-621. Cremation requirements; prohibited practices

- A. A cremation chamber used for the cremation of human remains shall not be used for any other purpose without the express knowledge and consent of each authorizing agent.
- B. Delivery of human remains to a crematory shall be made in a container meeting the requirements of R4-12-613.
- C. No cremation shall occur except after completion of the requirements of A.A.C. Title 9, Chapter 19, compliance with A.R.S. § 11-599 and receipt of an authorization of cremation signed by the authorizing agent.
- D. The following events shall occur only when the crematory authority has been provided with written instructions by an authorizing agent who is a spouse or kin of the decedent or decedents, as applicable. Such instructions shall be made part of the cremation record:
 1. Removal of human remains from the delivery container or casket for the purpose of preserving the casket or container from the cremation process.
 2. Simultaneous cremation of the remains of more than one person.

3. Knowingly and avoidably commingling the cremated remains of more than one person.

- E. Unless otherwise instructed by the authorizing agent, the crematory shall encase the cremated remains in a temporary cremation box or an urn and release them within seven days to the funeral establishment which initiated the funeral services contract.
- F. Cremated remains which are not returned in person shall be shipped by a service which assigns a number to the parcel or shipment and provides a receipt of delivery to enable misdirected cremated remains to be traced.
- G. A funeral establishment shall not advertise as a crematory unless the funeral establishment is a registered crematory authority.
- H. Any funeral establishment may offer and advertise cremation services.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-622. Expired

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective December 31, 2001 (Supp. 02-1).

R4-12-623. Reserved

R4-12-624. Reserved

R4-12-625. Reserved

R4-12-626. Reserved

R4-12-627. Reserved

R4-12-628. Reserved

R4-12-629. Reserved

R4-12-630. Reserved

R4-12-631. Crematory record of cremations; retention

- A. The crematory authority shall establish and maintain for a period of five years from cremation a record of each cremation which shall include the following:
 1. Authorization of cremation and any other special instructions signed by the authorizing agent.
 2. Copy of the completed and executed disposal/transit permit which authorizes the cremation.
 3. Reports or records relevant to the cremation not contained on the chronological log described in subsection (B).
- B. The crematory shall establish and maintain a permanent chronological log of cremations showing the following information:
 1. Date the human remains were received.
 2. Name of the decedent.
 3. Name of the person or funeral establishment forwarding the human remains.
 4. Type of receptacle in which the human remains were received such as cardboard, fiberboard or wooden container or wooden casket, etc.
 5. Check list showing receipt of the following:
 - a. Authorization of cremation.
 - b. Disposal/transit permit authorizing the cremation.
 6. Code indicator if there are reports in the decedent's file.
 7. Time and date of the cremation.
 8. Name and signature of the authorized crematory operator.

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9. Disposition of the cremated remains including the following,
 - a. Date the cremated remains were picked up, delivered or disposed of and a written record of the occurrence.
 - b. Signature of the person who delivered, shipped or disposed of the cremated remains and the name of the person to whom delivered.
 - c. Destination of shipment or place of disposition.
 10. If the uncremated human remains are returned to a funeral establishment, the date and time of the return and the name of the person who picked up the human remains.
 11. Column for referencing a subsequent log entry.
- C.** If the uncremated human remains are returned to the funeral establishment and subsequently delivered to the crematory, a new log entry shall be made.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-632. Cremation documentation by funeral establishments

- A.** A funeral establishment which contracts for the cremation of human remains shall establish and maintain for at least five years from the last use a record of each contract which contains the following:
1. Name of the decedent and the date of death.
 2. Dated copy of the funeral arrangement or cremation purchase agreement.
 3. Copy of the authorization of cremation.
 4. Copy of the notification to the authorizing agent of the disposition of the cremated remains.
 5. If a certified letter is sent to the authorizing agent concerning unclaimed cremated remains, a copy of the letter with the certification number on it or the returned, unopened certified letter
 6. Reports, instructions or other written information originating at the funeral establishment and pertaining to the cremation.
- B.** A funeral establishment also shall maintain a permanent record of each cremation which includes the following:
1. Name of the decedent and the date of death.
 2. Name of the issuing authority and the identifying number of the disposal/transit permit.
 3. Date and name of the crematory to which the human remains were delivered.
 4. Date of cremation.
 5. Type, date and place of disposition.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-633. Disposition of records

- A.** If a funeral establishment or crematory is sold, the records described in R4-12-631 and R4-12-632 shall be delivered to and maintained by the new owners.

- B.** If a funeral establishment or crematory is closed, within seven days after closing the records shall be:
1. Delivered to the Board office in person or by certified delivery; or
 2. Delivered to another funeral establishment or crematory. If this option is taken, the receiver of the records shall advise the Board of their new location by certified mail within seven days after receipt.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-634. Authorization of cremation; required information

The funeral establishment or crematory shall require the authorizing agent to sign an authorization of cremation which meets the requirements of A.R.S. § 32-1393 and contains the following:

1. Name, address and telephone number of the funeral establishment or crematory.
2. Name, address and telephone number of the authorizing agent and his relationship to the decedent such as spouse, child, parent, personal representative, friend, organization, public fiduciary, etc.
3. Name of the decedent and the date and place of death.
4. Conditions under which the funeral establishment or crematory agrees to carry out the disposition of the cremated remains or the conditions under which the authorizing agent or the agent's representative will take possession of the cremated remains.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).

R4-12-635. Reserved

R4-12-636. Reserved

R4-12-637. Reserved

R4-12-638. Reserved

R4-12-639. Reserved

R4-12-640. Reserved

R4-12-641. Consumer disclosures

If the cremation chamber in a registered crematory also is used to cremate other than deceased human remains, a conspicuous notice shall appear immediately above the line on which the authorizing agent signs the authorization of cremation. The notice shall inform the authorizing agent that the cremation chamber used for the cremation of deceased human remains also is used for the cremation of animals or the disposal of medical waste, as the case may be.

Historical Note

Adopted effective July 3, 1991 (Supp. 91-3).